

REMARKS

This paper is in response to the Office Action mailed July 7, 2004. Claims 1-19 are pending and have been rejected. The applicant notes with appreciation that claims 1-19 would be allowable by timely filing a terminal disclaimer, pursuant to 37 CFR § 1.321(c), and a Statement under 37 C.F.R. § 1.73, both of which are being filed concurrently herewith. However, the applicant respectfully traverses the Examiner's obviousness-type double patenting rejections.

The Examiner has rejected claims 1-9 under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of US Patent No. 6,736,688, which is commonly owned with the present application. The Examiner alleges that claims 1-9 of the present application claim a watercraft apparatus that includes a propulsion structure that is coupled to a body with a pivoting structure, instead of a manually propelled personal flotation apparatus with a propulsion structure that is pivotally coupled to a body with a pivoting structure. The applicant respectfully disagrees. While the Examiner's interpretation of claims 1-9 of the present application are accurate, his interpretation of claims 1-9 of the '688 patent are incorrect. Rather, claims 1-9 of the '688 patent claim, in part, that the propulsion structure is coupled to a side of the body with a pivoting structure. Nonetheless, since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

The Examiner has also rejected claims 10-18 under the judicially created doctrine of obviousness-type double patent over claims 1-9 of the '688 patent. The Examiner alleges that claims 10-18 of the present application claim a propulsion structure coupled to a watercraft and claims 1-9 of the '688 patent a propulsion structure that is pivotally coupled to a body of a

manually propelled personal flotation apparatus, would have been obvious to one skilled in the art. The applicant respectfully asserts that the Examiner is misinterpreting the claims. Claims 10-18 of the present application claim a propulsion structure for a water craft, while claims 1-9 of the '688 patent claim a manually propelled personal floatation device comprising a propulsion structure. Nonetheless, since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

The Examiner has also rejected claim 19 under the judicially created doctrine of obviousness-type double patent over claim 10 of the '688 patent. Since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

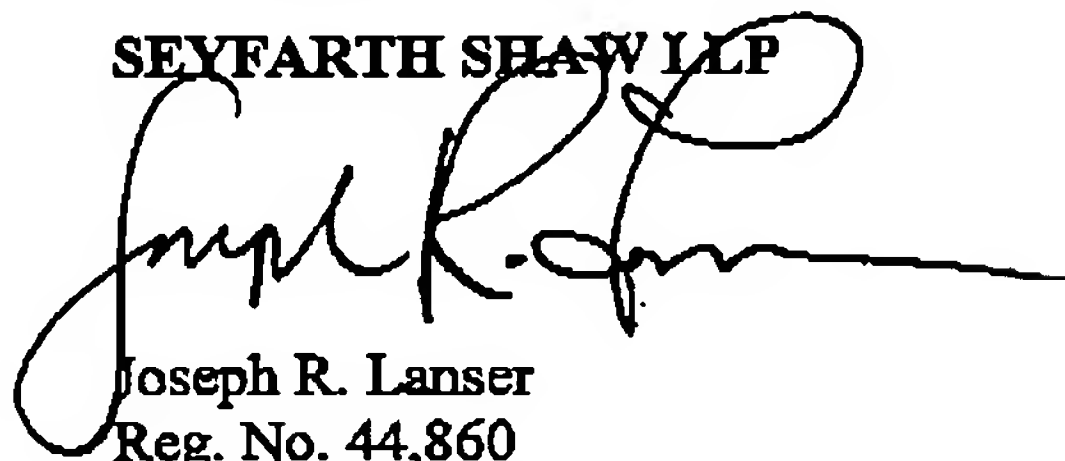
The applicant has also herein amended claims 1, 10, 15 and 16.

CONCLUSION

In view of the foregoing, the applicant respectfully asserts that the claims of the present application are now in a condition for allowance. Therefore, allowance of the application is respectfully requested.

Respectfully Submitted,

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